

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KELLY BLICE,
Plaintiff,

v.

BMC SOFTWARE, INC.,
Defendant.

Case No. [5:18-cv-03631-EJD](#)

**ORDER RE JOINT CASE
MANAGEMENT STATEMENT**

Re: Dkt. No. 21

This case is scheduled for a Case Management Conference on February 14, 2019 at 10:00 a.m. For the reasons stated below, the Case Management Conference is continued until April 25, 2019 at 10:00 a.m.

Kelly Blice filed this action in the Santa Clara County Superior Court on May 15, 2018. The action was removed to this Court in June 2018. Ms. Blice passed away in or around early November 2018. Defendant filed a Suggestion of Death on November 11, 2018. Dkt. 13. Plaintiff represents that it intends to file a Rule 25 Motion to Substitute, and that Ms. Blice is survived by her brother, Christopher Blice. Dkt. 21 at 5. Mr. Blice has filed a Notice of Petition to Administer Estate in the Contra Costa County Superior Court. Dkt. 21 at 5-6. The Notice is set for hearing on March 14, 2019. *Id.*

Rule 25(a) provides that, in the event of the death of a party, a Motion to Substitute must be made within 90 days of service of the statement noticing the death. The Ninth Circuit has ruled that “[t]his 90-day deadline may be extended by Rule 6(b).” *Zanowick v. Baxter Healthcare Corp.*, 850 F.3d 1090, 1094 (9th Cir. 2017).


The Court ORDERS as follows:

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<< ORDER TYPE >>

1 The deadline for Plaintiff to file a Rule 25 Motion to Substitute is extended until April 12,
2 2019. The Case Management Conference set for February 14, 2019 is continued until April 25,
3 2019 at 10:00 a.m. The Parties shall file a Joint Case Management Statement no later than April
4 15, 2019.

5 **IT IS SO ORDERED.**

6 Dated: February 5, 2019



EDWARD J. DAVILA
United States District Judge